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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,936	07/19/2006	Kristian Knak Nygaard	U 016025-8	5575

140 7590 04/01/2009

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EXAMINER	
STRONCZER, RYAN S	

ART UNIT	PAPER NUMBER
2425	

MAIL DATE	DELIVERY MODE
04/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/556,936	NYGAARD ET AL.	
	Examiner	Art Unit	
	Ryan Stronczer	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *75-156* is/are pending in the application.

4a) Of the above claim(s) *See Continuation Sheet* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *75-78,82-86,95,98-100,103-106,115,116,127-130,150 and 156* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims withdrawn from consideration are 81,87-94,101,102,117-125,131,132,134-137,142,149,151 and 155.

DETAILED ACTION

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 115 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 115 recites the method according to claim 113 “wherein the inviting comprises playing a message inviting the user to enter the device identification code"; however, it is not clear from the claim language how claim 115 recites a different limitation than claim 114 which recites the method according to claim 113 “wherein the inviting comprises displaying, on the display, a message inviting the user to enter the device identification code.”

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 75, 150, and 156 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (Pub. No.: US 2005/0005308) and further in view of Reisman (Pub. No.: US 2003/0229900).

As to amended claims 75, 150, and 156, Fig. 1-3 of Logan teach a method of transmitting a selection of a streamed broadcast program, such as a specific play of a football game. As to the amended limitation of "identifying the selection based on a time at which the selection was selected with respect to rendering progress of the streamed broadcast program," Logan teaches that the system can be implemented through a network personal video recorder (nPVR) system. Selecting a previously broadcast segment (e.g., a specific play of a football game) inherently requires identifying the location of said play in the broadcast stream relative to the whole stream.

As to the amended limitation of "transmitting the video and/or audio sequence…to at least one of an external device and an external medium," in an analogous art, Fig. 8 of Reisman teaches a method wherein a user's set top box (STB) can communicate with a headend system to communicate video data to that same user's PC to perform "session coordination." It would have been obvious to one of ordinary skill in the art at the time of the invention that the session coordination of Reisman could be incorporated into the system of Logan so that a user of Logan's system could select a discrete segment of a broadcast program to be transmitted to the user's PC instead of to the user's television. This would have been desirable so as to

allow a user to replay or share a segment of a program without interrupting viewing said program.

As to claim 76, the recited receiving an indication signal is inherent in the system of Logan wherein the user sends a signal to the nPVR server indicating a specific segment of programming to receive.

As to claim 77, the recited computing and recognizing is inherent in the system of Logan, as illustrated in Fig. 3.

As to claim 78, Fig. 1-3 of Logan teach the recited UID.

As to claim 82, Fig. 8 of Reisman teaches the recited computing device.

As to claims 83 and 84, Examiner notes that claim 75 does not positively recite the external medium recited in claim 75; however, Examiner takes Official Notice that it is well-known in the art for a PC to comprise a hard drive or other storage means which is equivalent to the recited "medium in the external device."

As to claim 85, Reisman teaches that said session coordination can be accomplished using a JAVA application (see, e.g., [0057], [0137]).

As to claim 86, Reisman teaches that the session coordination of Fig. 8 comprises displaying the selected content on the user's computing device.

As to claim 95, it would have been obvious to one of ordinary skill in the art at the time of the invention that a user could use the system of Logan to select additional programming segments preceding or following the currently selected segment, as recited.

As to claims 98 and 99, the recited streamed video or multimedia program is inherent in Logan.

As to claim 100, Fig. 3 of Logan teaches that each selection (e.g., a specific down of a football game) corresponds to a defined range of time, thus if the user does not know exactly when the selection occurred, he will still be able to locate the desired selection using the nPVR system of Logan in a manner cumulative with the recited error range.

As to claim 103, Logan teaches that the user selects the desired segment using a remote control [ABST].

As to claim 104, the recited video, multimedia, or A/V program is inherent in Logan.

As to claim 105, Examiner takes Official Notice it would have been obvious to one of ordinary skill in the art at the time of the invention that the user's STB would send the request for a segment containing the recited indication signal to the headend.

As to claim 106, the recited functionality is inherent in the nPVR sever of Logan.

As to claim 116, Logan also teaches that the system can be implemented in a video on-demand (VOD) system [0037]and Examiner takes Official Notice that it was well-known in the art a the time of the invention for a user of a VOD to send a signal from their STB to the headend agreeing to pay for the distribution of said VOD content.

As to claims 127 and 128, Examiner takes Official Notice that it was well-known in the art a the time of the invention for a content provider such as a broadcast network to insert branding information such as a network logo into broadcast content and that it

would have been obvious to one of ordinary skill in the art at the time of the invention that said logo would still be present when a user accessed time-shifted content in an nPVR system such as that taught by Logan, said logo being equivalent to the owner rights code recited in claim 128.

As to claim 129, the recited UID based on a time code is taught by Fig. 3 of Logan.

As to claim 130, as the time-shifted nPVR segments of Logan are derived from broadcast programming, it is inherent that the recited UID would also be derived from said broadcast programming.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Stronczer whose telephone number is (571) 270-3756. The examiner can normally be reached on 7:30 AM - 5:00 PM (EDT), Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Stronczer/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425